

MAKING OMNIBUS CONSOLIDATED AND  
EMERGENCY SUPPLEMENTAL APPROPRIA-  
TIONS FOR FISCAL YEAR 1999

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CONFERENCE REPORT

TO ACCOMPANY

H.R. 4328



OCTOBER 19, 1998.—Ordered to be printed

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U.S. GOVERNMENT PRINTING OFFICE

MAKING OMNIBUS CONSOLIDATED AND EMERGENCY  
SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 1999

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Mr. LIVINGSTON, from the committee of conference,  
submitted the following

CONFERENCE REPORT

[To accompany H.R. 4328]

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4328) “making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1999, and for other purposes”, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

*DIVISION A—OMNIBUS CONSOLIDATED APPROPRIATIONS*

*That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the several departments, agencies, corporations and other organizational units of the Government for the fiscal year 1999, and for other purposes, namely:*

*SEC. 101(a). For programs, projects or activities in the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1999, provided as follows, to be effective as if it had been enacted into law as the regular appropriations Act:*

agency's annual budget justification. The display shall include appropriated funds and the Knutson-Vandenberg, Brush Disposal, Cooperative Work-Other, and Salvage Sale funds. Changes between estimated and actual indirect expenditures shall be reported in subsequent budget justifications: Provided further, That during fiscal year 2000 the Secretary shall limit total annual indirect obligations from the Brush Disposal, Cooperative Work-Other, Knutson-Vandenberg, Reforestation, Salvage Sale, and Roads and Trails funds to 20 percent of the total obligations from each fund: Provided further, That not later than 90 days after the date of the enactment of this Act, the Forest Service shall provide a plan which addresses how the agency will fully integrate all indirect expenditure information into the agency's general ledger system.

## DEPARTMENT OF ENERGY

### CLEAN COAL TECHNOLOGY

#### (DEFERRAL)

Of the funds made available under this heading for obligation in prior years, \$10,000,000 of such funds shall not be available until October 1, 1999; \$15,000,000 shall not be available until October 1, 2000; and \$15,000,000 shall not be available until October 1, 2001: Provided, That funds made available in previous appropriations Acts shall be available for any ongoing project regardless of the separate request for proposal under which the project was selected.

### FOSSIL ENERGY RESEARCH AND DEVELOPMENT

For necessary expenses in carrying out fossil energy research and development activities, under the authority of the Department of Energy Organization Act (Public Law 95-91), including the acquisition of interest, including defeasible and equitable interests in any real property or any facility or for plant or facility acquisition or expansion, and for conducting inquiries, technological investigations and research concerning the extraction, processing, use, and disposal of mineral substances without objectionable social and environmental costs (30 U.S.C. 3, 1602, and 1603), performed under the minerals and materials science programs at the Albany Research Center in Oregon, \$384,056,000, to remain available until expended: Provided, That no part of the sum herein made available shall be used for the field testing of nuclear explosives in the recovery of oil and gas.

### ALTERNATIVE FUELS PRODUCTION

#### (INCLUDING TRANSFER OF FUNDS)

Moneys received as investment income on the principal amount in the Great Plains Project Trust at the Norwest Bank of North Dakota, in such sums as are earned as of October 1, 1998, shall be deposited in this account and immediately transferred to the general fund of the Treasury. Moneys received as revenue sharing from operation of the Great Plains Gasification Plant shall be immediately transferred to the general fund of the Treasury.

## NAVAL PETROLEUM AND OIL SHALE RESERVES

*For necessary expenses in carrying out naval petroleum and oil shale reserve activities, \$14,000,000, to remain available until expended: Provided, That the requirements of 10 U.S.C. 7430(b)(2)(B) shall not apply to fiscal year 1999: Provided further, That, notwithstanding any other provision of law, funds available pursuant to the first proviso under this heading in Public Law 101-512 shall be immediately available for all naval petroleum and oil shale reserve activities.*

## ELK HILLS SCHOOL LANDS FUNDS

*For necessary expenses in fulfilling the first installment payment under the Settlement Agreement entered into by the United States and the State of California on October 11, 1996, as authorized by section 3415 of Public Law 104-106, \$36,000,000 for payment to the State of California for the State Teachers' Retirement Fund from the Elk Hills School Lands Fund.*

## ENERGY CONSERVATION

*For necessary expenses in carrying out energy conservation activities, \$691,701,000, to remain available until expended, including, notwithstanding any other provision of law, \$64,000,000, which shall be transferred to this account from amounts held in escrow under section 3002(d) of Public Law 95-509 (15 U.S.C. 4501(d)): Provided, That \$166,000,000 shall be for use in energy conservation programs as defined in section 3008(3) of Public Law 99-509 (15 U.S.C. 4507): Provided further, That notwithstanding section 3003(d)(2) of Public Law 99-509 such sums shall be allocated to the eligible programs as follows: \$133,000,000 for weatherization assistance grants and \$33,000,000 for State energy conservation grants.*

## ECONOMIC REGULATION

*For necessary expenses in carrying out the activities of the Office of Hearings and Appeals, \$1,801,000, to remain available until expended.*

## STRATEGIC PETROLEUM RESERVE

*For necessary expenses for Strategic Petroleum Reserve facility development and operations and program management activities pursuant to the Energy Policy and Conservation Act of 1975, as amended (42 U.S.C. 6201 et seq.), \$160,120,000, to remain available until expended.*

## ENERGY INFORMATION ADMINISTRATION

*For necessary expenses in carrying out the activities of the Energy Information Administration, \$70,500,000, to remain available until expended.*

## ADMINISTRATIVE PROVISIONS, DEPARTMENT OF ENERGY

*Appropriations under this Act for the current fiscal year shall be available for hire of passenger motor vehicles; hire, maintenance,*

*and operation of aircraft; purchase, repair, and cleaning of uniforms; and reimbursement to the General Services Administration for security guard services.*

*From appropriations under this Act, transfers of sums may be made to other agencies of the Government for the performance of work for which the appropriation is made.*

*None of the funds made available to the Department of Energy under this Act shall be used to implement or finance authorized price support or loan guarantee programs unless specific provision is made for such programs in an appropriations Act.*

*The Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, private or foreign: Provided, That revenues and other moneys received by or for the account of the Department of Energy or otherwise generated by sale of products in connection with projects of the Department appropriated under this Act may be retained by the Secretary of Energy, to be available until expended, and used only for plant construction, operation, costs, and payments to cost-sharing entities as provided in appropriate cost-sharing contracts or agreements: Provided further, That the remainder of revenues after the making of such payments shall be covered into the Treasury as miscellaneous receipts: Provided further, That any contract, agreement, or provision thereof entered into by the Secretary pursuant to this authority shall not be executed prior to the expiration of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than three calendar days to a day certain) from the receipt by the Speaker of the House of Representatives and the President of the Senate of a full comprehensive report on such project, including the facts and circumstances relied upon in support of the proposed project.*

*No funds provided in this Act may be expended by the Department of Energy to prepare, issue, or process procurement documents for programs or projects for which appropriations have not been made.*

*In addition to other authorities set forth in this Act, the Secretary may accept fees and contributions from public and private sources, to be deposited in a contributed funds account, and prosecute projects using such fees and contributions in cooperation with other Federal, State or private agencies or concerns.*

*The Secretary in fiscal year 1999 and thereafter, shall continue the process begun in fiscal year 1998 of accepting funds from other Federal agencies in return for assisting agencies in achieving energy efficiency in Federal facilities and operations by the use of privately financed, energy savings performance contracts and other private financing mechanisms. The funds may be provided after agencies begin to realize energy cost savings; may be retained by the Secretary until expended; and may be used only for the purpose of assisting Federal agencies in achieving greater efficiency, water conservation and use of renewable energy by means of privately financed mechanisms, including energy savings performance contracts and utility incentive programs. These recovered funds will continue to be used to administer even greater energy efficiency, water conservation and use of renewable energy by means of pri-*

vately financed mechanisms such as utility efficiency service contracts and energy savings performance contracts. The recoverable funds will be used for all necessary program expenses, including contractor support and resources needed, to achieve overall Federal energy management program objectives for greater energy savings. Any such privately financed contracts shall meet the provisions of the Energy Policy Act of 1992, Public Law 102-486 regarding energy savings performance contracts and utility incentive programs.

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### INDIAN HEALTH SERVICE

#### INDIAN HEALTH SERVICES

*For expenses necessary to carry out the Act of August 5, 1954 (68 Stat. 674), the Indian Self-Determination Act, the Indian Health Care Improvement Act, and titles II and III of the Public Health Service Act with respect to the Indian Health Service, \$1,950,322,000, together with payments received during the fiscal year pursuant to 42 U.S.C. 238(b) for services furnished by the Indian Health Service: Provided, That funds made available to tribes and tribal organizations through contracts, grant agreements, or any other agreements or compacts authorized by the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450), shall be deemed to be obligated at the time of the grant or contract award and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation: Provided further, That \$12,000,000 shall remain available until expended, for the Indian Catastrophic Health Emergency Fund: Provided further, That \$373,801,000 for contract medical care shall remain available for obligation until September 30, 2000: Provided further, That of the funds provided, up to \$17,000,000 shall be used to carry out the loan repayment program under section 108 of the Indian Health Care Improvement Act: Provided further, That funds provided in this Act may be used for one-year contracts and grants which are to be performed in two fiscal years, so long as the total obligation is recorded in the year for which the funds are appropriated: Provided further, That the amounts collected by the Secretary of Health and Human Services under the authority of title IV of the Indian Health Care Improvement Act shall remain available until expended for the purpose of achieving compliance with the applicable conditions and requirements of titles XVIII and XIX of the Social Security Act (exclusive of planning, design, or construction of new facilities): Provided further, That funding contained herein, and in any earlier appropriations Acts for scholarship programs under the Indian Health Care Improvement Act (25 U.S.C. 1613) shall remain available for obligation until September 30, 2000: Provided further, That amounts received by tribes and tribal organizations under title IV of the Indian Health Care Improvement Act shall be reported and accounted for and available to the receiving tribes and tribal organizations until expended: Provided further, That, notwithstanding any other provision of law, of the amounts provided herein, not to exceed \$203,781,000 shall be for payments to tribes and tribal organizations for contract or grant support costs associated with con-*

California, of lands described in subsection (b), heretofore or hereafter, made directly by the Southern Pacific Transportation Company, or its successors, are hereby validated to the extent that the conveyances would be legal or valid if all right, title, and interest of the United States, except minerals, were held by the Southern Pacific Transportation Company.

(b) *LANDS DESCRIBED.*—The lands referred to in subsection (a) are the parcels shown on the map entitled “Tulare Redevelopment Agency-Railroad Parcels Proposed to be Acquired”, dated May 29, 1997, that formed part of a railroad right-of-way granted to the Southern Pacific Railroad Company, or its successors, agents, or assigns, by the Federal Government (including the right-of-way approved by an Act of Congress on July 27, 1866). The map referred to in this subsection shall be on file and available for public inspection in the offices of the Director of the Bureau of Land Management.

(c) *PRESERVATION OF EXISTING RIGHTS OF ACCESS.*—Nothing in this section shall impair any existing rights of access in favor of the public or any owner of adjacent lands over, under or across the lands which are referred to in subsection (a).

(d) *MINERALS.*—The United States disclaims any and all right of surface entry to the mineral estate of lands described in subsection (b).

*SEC. 335.* The final set of maps entitled “Coastal Barrier Resources System”, dated “October 24, 1990, revised November 12, 1996”, and relating to the following units of the Coastal Barrier Resources System: P04A, P05/P05P; P05A/P05AP, FL-06P; P10/P10P; P11; P11AP; P11A; P18/P18P; P25/P25P; and P32/P32P (which set of maps were created by the Department of the Interior to comply with section 220 of Public Law 104-333, 110 Stat. 4115, and notice of which was published in the Federal Register on May 28, 1997) shall have the force and effect of law and replace and substitute for any other inconsistent Coastal Barrier Resource System map in the possession of the Department of the Interior. This provision is effective immediately upon enactment of this Act and the Secretary of the Interior or his designee shall immediately make this ministerial substitution.

*SEC. 336.* Section 405(c)(2) of the Indian Health Care Improvement Act (42 U.S.C. 1645(c)(2)) is amended by striking “September 30, 1998” and inserting “September 30, 2000”.

*SEC. 337.* Section 3003 of the Petroleum Overcharge Distribution and Restitution Act of 1986 (15 U.S.C. 4502) is amended by adding after subsection (d) the following new subsection:

“(e) Subsections (b), (c), and (d) of this section are repealed, and any rights that may have arisen are extinguished, on the date of the enactment of the Department of the Interior and Related Agencies Appropriations Act, 1999. After that date, the amount available for direct restitution to current and future refined petroleum product claimants under this Act is reduced by the amounts specified in title II of that Act as being derived from amounts held in escrow under section 3002(d). The Secretary shall assure that the amount remaining in escrow to satisfy refined petroleum product claims for direct restitution is allocated equitably among the claimants.”.

*“SEC. 7. (a) Notwithstanding any other provision of law, the Secretary of the Interior is directed to transfer all right, title and interest in that portion of the Indian Arts and Crafts Board art collection maintained permanently by the Indian Arts and Crafts Board in Washington, District of Columbia, to the Secretary of the Smithsonian Institution to be a part of the collection of the National Museum of the American Indian, subject to subsection (b). Transfer of the collection and costs thereof shall be carried out in accordance with terms, conditions, and standards mutually agreed upon by the Secretary of the Interior and the Secretary of the Smithsonian Institution.*

*“(b) The Indian Arts and Crafts Board shall retain a permanent license to the use of images of the collection for promotional, economic development, educational and related nonprofit purposes. The Indian Arts and Crafts Board shall not be required to pay any royalty or fee for such license.”.*

*(b) The Secretary of the Interior is authorized to use funds appropriated in this Act under the heading “SALARIES AND EXPENSES” under the heading “DEPARTMENTAL MANAGEMENT” for the costs associated with the transfer of the collection.*

*SEC. 357. None of the funds provided in this or any other Act shall be available for the acquisition of lands or interests in lands within the tract known as the Baca Location No. 1 in New Mexico until such time as—*

*(1) an appraisal is completed for such tract which conforms with the Uniform Appraisal Standards for Federal Land Acquisitions; and*

*(2) legislation is enacted authorizing the acquisition of lands or interests in lands within such tract.*

*SEC. 358. The Federal building located at 15013 Denver West Parkway, Golden, Colorado, and known as the National Renewable Energy Laboratory Visitors Center, shall be known and designated as the “Dan Schaefer Federal Building”. Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States court house referred to in this provision shall be deemed to be a reference to the “Dan Schaefer Federal Building”. This provision shall take effect on January 3, 1999.*

*SEC. 359. The new Federal building under construction at 325 Broadway in Boulder, Colorado, shall be known and designated as the “David Skaggs Federal Building”. Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in this provision shall be deemed to be a reference to the “David Skaggs Federal Building”. This provision shall take effect on January 3, 1999.*

*SEC. 360. The Federal building located at 201 14th Street, S.W. in Washington, D.C., shall be known and redesignated as the “Sidney R. Yates Federal Building”. Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in this provision shall be deemed to be a reference to the “Sidney R. Yates Federal Building”. This provision shall take effect on January 3, 1999.*

*SEC. 361. If all of the funding approved for release by the Committees on September 3, 1998, pursuant to Title V—Priority Land Acquisitions, Land Exchanges, and Maintenance in Public Law*



(4) for each category of detainee, the rate of release from detention for each district of the Immigration and Naturalization Service; and

(5) for each category of detainee, the disposition of detention, including whether detention ended due to deportation, release on parole, or any other release.

(c) **CRIMINAL ALIENS.**—With respect to criminal aliens, the Attorney General shall also collect data concerning—

(1) the number of criminal aliens apprehended under the immigration laws and not detained by the Attorney General; and

(2) a list of crimes committed by criminal aliens after the decision was made not to detain them, to the extent this information can be derived by cross-checking the list of criminal aliens not detained with other databases accessible to the Attorney General.

(d) **ANNUAL REPORTS.**—Beginning on October 1, 1999, and not later than October 1 of each year thereafter, the Attorney General shall submit to the Committee on the Judiciary of each House of Congress a report setting forth the data collected under subsections (a), (b), and (c) for the fiscal year ending September 30 of that year.

(e) **AVAILABILITY TO PUBLIC.**—Copies of the data collected under subsections (a), (b), and (c) shall be made available to members of the public upon request pursuant to such regulations as the Attorney General shall prescribe.

This Act may be cited as the “Treasury and General Government Appropriations Act, 1999”.

**SEC. 102.** For the purpose of carrying out the provisions of the Tennessee Valley Authority Act of 1933, as amended (16 U.S.C. ch. 12A), including hire, maintenance, and operation of aircraft, and purchase and hire of passenger motor vehicles, \$50,000,000 is hereby appropriated: Provided, That use of the funds provided herein is limited to the purposes for which funds were provided under this heading in Public Law 105–62: Provided further, That of the amounts appropriated under this section, \$7,000,000 shall be available for operation, maintenance, surveillance, and improvement of Land Between the Lakes.

#### **REPURCHASE OF BONDS BY THE TENNESSEE VALLEY AUTHORITY**

**SEC. 103. (a) REPURCHASE.**—Notwithstanding any other provision of law or any term contained in any bond issued by the Tennessee Valley Authority to the Federal Financing Bank—

(1) subject to subsection (b), the Tennessee Valley Authority shall have the right to repurchase all such bonds by payment of the principal amount of the bonds plus interest to the date of repurchase;

(2) the Federal Financing Bank shall not require payment from the Tennessee Valley Authority of any additional amount in connection with the repurchase; and

(3) there is hereby appropriated to the Federal Financing Bank such amounts as may be necessary to pay the difference between (1) the amount that the Tennessee Valley Authority paid to the Federal Financing Bank to prepay its outstanding loans from the Federal Financing Bank under this section and

(2) the amount that the Federal Financing Bank would have received otherwise.

(b) *NO FURTHER FINANCING.*—Notwithstanding any other law, after the date of repurchase of bonds under subsection (a), the Tennessee Valley Authority shall not be entitled or permitted to obtain financing from the Federal Financing Bank.

(c) *USE OF SAVINGS.*—

(1) *IN GENERAL.*—From non-appropriated funds, beginning on the date of repurchase of bonds and ending on the date on which the bonds would have matured but for this section, amounts that, as determined under paragraph (2), are equivalent to amounts that the Tennessee Valley Authority saves as a result of the repurchase of bonds shall be used to reduce debt of the Tennessee Valley Authority.

(2) *DETERMINATION OF AMOUNT OF SAVINGS.*—On each date on which a payment of interest would have been made on a repurchased bond if the bond had not been repurchased, the Tennessee Valley Authority shall be considered to realize a saving in the amount of the difference between—

(A) the amount of interest that would have been due at the rate of interest specified in the bond; and

(B) the amount of interest that would have been due if the rate of interest specified in the bond had been the yield to maturity of a marketable public obligation of the United States with a maturity of 10 years as of September 30, 1997.

*SEC. 104.* Section 312 of Public Law 105–245, the Energy and Water Development Appropriations Act, 1999, is repealed.

*SEC. 105.* An additional amount of \$35,000,000, to remain available until expended, for Department of Defense—Civil, Department of the Army, Corps of Engineers—Civil, “Construction, General”, is hereby appropriated for the Columbia River Fish Mitigation, Washington, Oregon, and Idaho, project.

*SEC. 106.* The Secretary of the Army, acting through the Chief of Engineers, is directed to use \$1,500,000 of the funds previously appropriated in “Construction, General”, for the Lackawanna River, Scranton, Pennsylvania, project to initiate construction of the Delaware River Mainstem and Channel Deepening, Delaware, New Jersey, and Pennsylvania, project. The Secretary of the Army, acting through the Chief of Engineers, is directed to use \$400,000 of the funds previously appropriated in “Construction, General”, for the Lackawanna River, Scranton, Pennsylvania, project to initiate a comprehensive review of aquatic ecosystem restoration initiatives in the Upper Susquehanna-Lackawanna Watershed under the Aquatic Ecosystem Restoration (Section 206) program. Subject to enactment of authorizing legislation, the Secretary of the Army, acting through the Chief of Engineers, is directed to use \$340,000 of the available “Construction, General” funds to initiate construction of the Pierre, South Dakota, flood mitigation project. The Secretary of the Army, acting through the Chief of Engineers, is directed to use \$1,500,000 of the funds appropriated in “Construction, General”, in Public Law 105–245 for the South Central Pennsylvania Environment Improvement Program only for water-related environmental infrastructure and resource protection and development projects in Allegheny

County, Pennsylvania, in accordance with the purposes of subsection (a) and requirements of subsections (b) through (e) of section 313 of the Water Resources Development Act of 1992, as amended.

SEC. 107. The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to use \$750,000 of available "Construction, General" funds for engineering and design, and repair of the Archusa Dam and appurtenant structures located in Quitman, Mississippi.

SEC. 108. An additional amount of \$60,000,000 for Department of Energy—Energy Programs, "Energy Supply", is hereby appropriated to remain available until September 30, 2000.

SEC. 109. An additional amount of \$15,000,000, to remain available until expended, for Department of Energy—Energy Programs, "Science", is hereby appropriated.

SEC. 110. LAKE POWELL. No funds appropriated by this Act or any other Act for fiscal year 1999 shall be used to study or implement any plan to drain Lake Powell or decommission the Glen Canyon Dam.

SEC. 111. Notwithstanding any other provision of law, for necessary expenses relating to construction of, and improvements to, surface transportation projects located in the Commonwealth of Massachusetts, \$100,000,000, to remain available until expended.

SEC. 112. Notwithstanding any other provision of law, for necessary expenses relating to construction of, and improvements to, Corridor X of the Appalachian development highway system located in the State of Alabama, \$100,000,000, to remain available until expended.

SEC. 113. Notwithstanding any other provision of law, for necessary expenses relating to construction of, and improvements to, the Appalachian development highway system in the State of West Virginia, \$32,000,000, to remain available until expended.

SEC. 114. Notwithstanding any other provision of law, for necessary expenses relating to construction of, and improvements to, highway projects in the corridor designated by section 1105(c)(18)(C)(ii) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2032–2033), as amended by section 1211(i) of the Transportation Equity Act for the 21st Century, \$100,000,000, to remain available until expended.

SEC. 115. Notwithstanding any other provision of law, to enable the Secretary of Transportation to make grants to the Alaska Railroad, \$28,000,000, to remain available until expended, which shall be for capital improvements benefiting its passenger rail operations.

SEC. 116. Of the unobligated balances authorized in Public Law 102–240 under 49 U.S.C. 5338(b)(1), \$392,000,000 is rescinded.

SEC. 117. Notwithstanding any other provision of law, within the funding made available in the Department of Transportation and Related Agencies Appropriations Act, 1999 for discretionary grants under the obligation limitation for Federal Aviation Administration, "Grants-in-Aid for Airports" in fiscal year 1999, not less than \$11,250,000 shall be made available for capital improvement projects at the Wilkes-Barre/Scranton International Airport.

SEC. 118. Notwithstanding any other provision of law, within the funding made available in the Department of Transportation

## CHAPTER 2

## DEPARTMENT OF ENERGY

## ATOMIC ENERGY DEFENSE ACTIVITIES

## OTHER DEFENSE ACTIVITIES

*For an additional amount for “Other Defense Activities”, for expenditures in the Russian Federation to implement a United States/Russian accord for the disposition of excess weapons plutonium, \$200,000,000, to remain available until expended: Provided, That none of the funds may be obligated until the Department of Energy submits to Congress a detailed budget justification for use of these funds, and the proposal has been approved by the House and Senate Committees on Appropriations: Provided further, That the entire amount shall be available only to the extent an official budget request for a specific dollar amount that includes designation of the entire amount of the request as an emergency requirement as defined by the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.*

*For an additional amount to purchase natural uranium associated with the 1997 and 1998 deliveries under the United States-Russia HEU Purchase Agreement (hereinafter, “the Agreement”), \$325,000,000, to remain available until expended, which shall be available only to the extent an official budget request for a specific dollar amount that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted to the Congress: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That such uranium is located in the United States at the time of purchase, and shall become part of the inventory of the Department of Energy: Provided further, That such funds shall be available only upon conclusion of a long-term agreement by the Government of the Russian Federation and commercial partners for the sale of uranium to be derived from deliveries scheduled for 1999 and thereafter under the Agreement.*

## CHAPTER 3

## DEPARTMENT OF DEFENSE—MILITARY CONSTRUCTION

## MILITARY CONSTRUCTION, ARMY

*For an additional amount for “Military Construction, Army” to replace facilities destroyed by monsoons in the Republic of Korea during August of 1998, \$118,000,000, as authorized by 10 U.S.C. 2854, to remain available until September 30, 1999: Provided, That the entire amount is designated by the Congress as an emergency*

*quirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.*

UNITED STATES SECRET SERVICE

SALARIES AND EXPENSES

*For an additional amount for “Salaries and Expenses”, \$80,808,000, to remain available until expended: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.*

TITLE III—YEAR 2000 CONVERSION OF FEDERAL  
INFORMATION TECHNOLOGY SYSTEMS

FISCAL YEAR 1999 EMERGENCY SUPPLEMENTAL  
APPROPRIATIONS

FUNDS APPROPRIATED TO THE PRESIDENT

INFORMATION TECHNOLOGY SYSTEMS AND RELATED EXPENSES

(INCLUDING TRANSFER OF FUNDS)

*For an additional amount for emergency expenses related to Year 2000 conversion of Federal information technology systems, and related expenses, \$2,250,000,000, to remain available until September 30, 2001, of which \$5,500,000 shall be transferred to the Legislative Branch for “SENATE”, “Contingent Expenses of the Senate”, “Sergeant at Arms and Doorkeeper of the Senate” for salaries and expenses related to Year 2000 conversion of Senate information technology systems: Provided, That the funds may be obligated with the prior approval of the Senate Committee on Appropriations; and of which, \$6,373,000 shall be transferred to the Legislative Branch for “HOUSE OF REPRESENTATIVES”, “Salaries and Expenses”, “Salaries, Officers and Employees” for salaries and expenses related to Year 2000 conversion of House of Representatives information technology systems; and of which \$5,000,000 shall be transferred to the Legislative Branch for “GENERAL ACCOUNTING OFFICE”, “Information Technology Systems and Related Expenses” for expenses related to Year 2000 conversion of information technology systems and related expenses of all entities in the Legislative Branch other than the “Senate” and “House of Representatives” covered by the Legislative Branch Appropriations Act, 1998 (Public Law 105–55), which the Comptroller General shall transfer to the affected entities in the Legislative Branch, upon the approval of the House and Senate Committees on Appropriations; and of which \$13,044,000 shall be transferred to the Judiciary to the Judiciary Information Technology Fund for expenses related to Year 2000 conversion of Judicial Branch information technology and security systems: Provided further, That the remaining funds made available shall be transferred, as necessary, by the Director of the Office of Management and Budget to all affected Federal Departments and Agencies, except the Department of Defense, for expenses necessary to ensure the information technology that is used or acquired by the Federal government meets the definition of Year 2000 compliant*

*under Federal Acquisition Regulations (concerning accurate processing of date/time data, including calculating, comparing, and sequencing from, into, and between the twentieth and twenty-first centuries, and the years 1999 and 2000 and leap year calculations) and to meet other criteria for Year 2000 compliance as the head of each Department or Agency considers appropriate: Provided further, That none of the funds provided under this heading, except those transferred to the Legislative Branch and the Judiciary, may be transferred to any Department or Agency until fifteen days after the Director of the Office of Management and Budget has submitted to the House and Senate Committees on Appropriations, the Senate Special Committee on the Year 2000 Technology Problem, the House Committee on Science, and the House Committee on Government Reform and Oversight, a proposed allocation and plan for that Department or Agency to achieve Year 2000 compliance for technology information systems: Provided further, That the transfer authority provided in this paragraph is in addition to any other transfer authority contained elsewhere in this or any other Act: Provided further, That funds provided under this heading shall be in addition to funds available in this or any other Act for Year 2000 compliance by any Federal Department or Agency: Provided further, That the entire amount, except those amounts transferred to the Legislative Branch and the Judiciary, shall be available only to the extent that an official budget request that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.*

## DEPARTMENT OF DEFENSE—MILITARY

### OPERATION AND MAINTENANCE

#### INFORMATION TECHNOLOGY SYSTEMS AND SECURITY TRANSFER ACCOUNT

##### (INCLUDING TRANSFER OF FUNDS)

*For emergency expenses relating to Year 2000 conversion of information technology and national security systems, for information technology, and infrastructure protection to include computer security/information assurance programs, and for related expenses, \$1,100,000,000, to remain available until September 30, 2001: Provided, That the funds made available shall be transferred, as necessary, by the Secretary of Defense to any account in any previously enacted Department of Defense Appropriations Act for expenses necessary to ensure the information technology that is used or acquired by the Federal government meets the definition of Year 2000 compliant under Federal Acquisition Regulations (concerning accurate processing of date/time data, including calculating, comparing, and sequencing from, into, and between the twentieth and twenty-first centuries, and the years 1999 and 2000 and leap year calculations)*

**SEC. 148.** *Section 8135 of the Department of Defense Appropriations Act, 1992 (Public Law 102-172; 105 Stat. 1212; 37 U.S.C. 301b note), is amended—*

*(1) in subsection (a), by inserting before the period at the end the following: “or as a supplemental payment if the officer’s final military pay account is already settled”; and*

*(2) in subsection (b)—*

*(A) by inserting “applies” after “subsection (a)”;*

*(B) by striking “January 17, 1991” and inserting “August 2, 1990”;*

*(C) by inserting “(regardless of the date of the commencement of combatant activities in such zone as specified in that Executive Order)” after “as a combat zone”; and*

*(D) by striking “section 302b” and inserting “section 301b”.*

**SEC. 149.** *(a) Chapter 12 of title 11 of the United States Code, as in effect on September 30, 1998, is hereby reenacted for the period beginning on October 1, 1998, and ending on April 1, 1999.*

*(b) All cases commenced or pending under chapter 12 of title 11, United States Code, as reenacted under subsection (a), and all matters and proceedings in or relating to such cases, shall be conducted and determined under such chapter as if such chapter were continued in effect after April 1, 1999. The substantive rights of parties in connection with such cases, matters, and proceedings shall continue to be governed under the laws applicable to such cases, matters, and proceedings as if such chapter were continued in effect after April 1, 1999.*

*(c) This section shall take effect on October 1, 1998.*

**SEC. 150.** *(a) EXTENSION OF AGREEMENT FOR STATE OF MISSISSIPPI.—The Secretary of the Interior shall offer to reinstate the Memorandum of Agreement between the Mississippi Department of Wildlife Conservation and the United States Fish and Wildlife Service concerning the framework closing dates for the 1979–1980 through 1981–1982 duck hunting seasons, executed in November 1979, for the 1998–1999 duck hunting season in the State of Mississippi, except that—*

*(1) the duck hunting season shall end on January 31, 1999; and*

*(2) the total number of days for the duck hunting season in the State of Mississippi shall not exceed 51 days.*

*(b) EXTENSION OF AGREEMENT TO OTHER STATES.—At the request of any other State represented on the Lower-Region Regulations Committee of the Mississippi Flyway Council, the Secretary of the Interior shall extend the agreement described in subsection (a) to that State for the 1998–1999 duck hunting season if the State agrees to reduce the total number of days of the duck hunting season in the State to the extent necessary to result in no net increase in the duck harvest in the State for that season.*

**SEC. 151. FEDERAL VACANCIES AND APPOINTMENTS.**

*(a) SHORT TITLE.—This section may be cited as the “Federal Vacancies Reform Act of 1998”.*

*(b) IN GENERAL.—Chapter 33 of title 5, United States Code, is amended by striking sections 3345 through 3349 and inserting the following:*

**“§ 3345. Acting officer**

*“(a) If an officer of an Executive agency (including the Executive Office of the President, and other than the General Accounting Office) whose appointment to office is required to be made by the President, by and with the advice and consent of the Senate, dies, resigns, or is otherwise unable to perform the functions and duties of the office—*

*“(1) the first assistant to the office of such officer shall perform the functions and duties of the office temporarily in an acting capacity subject to the time limitations of section 3346;*

*“(2) notwithstanding paragraph (1), the President (and only the President) may direct a person who serves in an office for which appointment is required to be made by the President, by and with the advice and consent of the Senate, to perform the functions and duties of the vacant office temporarily in an acting capacity subject to the time limitations of section 3346; or*

*“(3) notwithstanding paragraph (1), the President (and only the President) may direct an officer or employee of such Executive agency to perform the functions and duties of the vacant office temporarily in an acting capacity, subject to the time limitations of section 3346, if—*

*“(A) during the 365-day period preceding the date of death, resignation, or beginning of inability to serve of the applicable officer, the officer or employee served in a position in such agency for not less than 90 days; and*

*“(B) the rate of pay for the position described under subparagraph (A) is equal to or greater than the minimum rate of pay payable for a position at GS-15 of the General Schedule.*

*“(b)(1) Notwithstanding subsection (a)(1), a person may not serve as an acting officer for an office under this section, if—*

*“(A) during the 365-day period preceding the date of the death, resignation, or beginning of inability to serve, such person—*

*“(i) did not serve in the position of first assistant to the office of such officer; or*

*“(ii) served in the position of first assistant to the office of such officer for less than 90 days; and*

*“(B) the President submits a nomination of such person to the Senate for appointment to such office.*

*“(2) Paragraph (1) shall not apply to any person if—*

*“(A) such person is serving as the first assistant to the office of an officer described under subsection (a);*

*“(B) the office of such first assistant is an office for which appointment is required to be made by the President, by and with the advice and consent of the Senate; and*

*“(C) the Senate has approved the appointment of such person to such office.*

*“(c)(1) Notwithstanding subsection (a)(1), the President (and only the President) may direct an officer who is nominated by the President for reappointment for an additional term to the same office in an Executive department without a break in service, to continue to serve in that office subject to the time limitations in section*



3346, until such time as the Senate has acted to confirm or reject the nomination, notwithstanding adjournment sine die.

“(2) For purposes of this section and sections 3346, 3347, 3348, 3349, 3349a, and 3349d, the expiration of a term of office is an inability to perform the functions and duties of such office.

**“§ 3346. Time limitation**

“(a) Except in the case of a vacancy caused by sickness, the person serving as an acting officer as described under section 3345 may serve in the office—

“(1) for no longer than 210 days beginning on the date the vacancy occurs; or

“(2) subject to subsection (b), once a first or second nomination for the office is submitted to the Senate, from the date of such nomination for the period that the nomination is pending in the Senate.

“(b)(1) If the first nomination for the office is rejected by the Senate, withdrawn, or returned to the President by the Senate, the person may continue to serve as the acting officer for no more than 210 days after the date of such rejection, withdrawal, or return.

“(2) Notwithstanding paragraph (1), if a second nomination for the office is submitted to the Senate after the rejection, withdrawal, or return of the first nomination, the person serving as the acting officer may continue to serve—

“(A) until the second nomination is confirmed; or

“(B) for no more than 210 days after the second nomination is rejected, withdrawn, or returned.

“(c) If a vacancy occurs during an adjournment of the Congress sine die, the 210-day period under subsection (a) shall begin on the date that the Senate first reconvenes.

**“§ 3347. Exclusivity**

“(a) Sections 3345 and 3346 are the exclusive means for temporarily authorizing an acting official to perform the functions and duties of any office of an Executive agency (including the Executive Office of the President, and other than the General Accounting Office) for which appointment is required to be made by the President, by and with the advice and consent of the Senate, unless—

“(1) a statutory provision expressly—

“(A) authorizes the President, a court, or the head of an Executive department, to designate an officer or employee to perform the functions and duties of a specified office temporarily in an acting capacity; or

“(B) designates an officer or employee to perform the functions and duties of a specified office temporarily in an acting capacity; or

“(2) the President makes an appointment to fill a vacancy in such office during the recess of the Senate pursuant to clause 3 of section 2 of article II of the United States Constitution.

“(b) Any statutory provision providing general authority to the head of an Executive agency (including the Executive Office of the President, and other than the General Accounting Office) to delegate duties statutorily vested in that agency head to, or to reassign duties

among, officers or employees of such Executive agency, is not a statutory provision to which subsection (a)(2) applies.

**“§ 3348. Vacant office**

“(a) In this section—

“(1) the term ‘action’ includes any agency action as defined under section 551(13); and

“(2) the term ‘function or duty’ means any function or duty of the applicable office that—

“(A)(i) is established by statute; and

“(ii) is required by statute to be performed by the applicable officer (and only that officer); or

“(B)(i)(I) is established by regulation; and

“(II) is required by such regulation to be performed by the applicable officer (and only that officer); and

“(ii) includes a function or duty to which clause (i) (I) and (II) applies, and the applicable regulation is in effect at any time during the 180-day period preceding the date on which the vacancy occurs.

“(b) Unless an officer or employee is performing the functions and duties in accordance with sections 3345, 3346, and 3347, if an officer of an Executive agency (including the Executive Office of the President, and other than the General Accounting Office) whose appointment to office is required to be made by the President, by and with the advice and consent of the Senate, dies, resigns, or is otherwise unable to perform the functions and duties of the office—

“(1) the office shall remain vacant; and

“(2) in the case of an office other than the office of the head of an Executive agency (including the Executive Office of the President, and other than the General Accounting Office), only the head of such Executive agency may perform any function or duty of such office.

“(c) If the last day of any 210-day period under section 3346 is a day on which the Senate is not in session, the second day the Senate is next in session and receiving nominations shall be deemed to be the last day of such period.

“(d)(1) An action taken by any person who is not acting under section 3345, 3346, or 3347, or as provided by subsection (b), in the performance of any function or duty of a vacant office to which this section and sections 3346, 3347, 3349, 3349a, 3349b, and 3349c apply shall have no force or effect.

“(2) An action that has no force or effect under paragraph (1) may not be ratified.

“(e) This section shall not apply to—

“(1) the General Counsel of the National Labor Relations Board;

“(2) the General Counsel of the Federal Labor Relations Authority;

“(3) any Inspector General appointed by the President, by and with the advice and consent of the Senate;

“(4) any Chief Financial Officer appointed by the President, by and with the advice and consent of the Senate; or

“(5) an office of an Executive agency (including the Executive Office of the President, and other than the General Ac-

counting Office) if a statutory provision expressly prohibits the head of the Executive agency from performing the functions and duties of such office.

**“§ 3349. Reporting of vacancies**

“(a) The head of each Executive agency (including the Executive Office of the President, and other than the General Accounting Office) shall submit to the Comptroller General of the United States and to each House of Congress—

“(1) notification of a vacancy in an office to which this section and sections 3345, 3346, 3347, 3348, 3349a, 3349b, 3349c, and 3349d apply and the date such vacancy occurred immediately upon the occurrence of the vacancy;

“(2) the name of any person serving in an acting capacity and the date such service began immediately upon the designation;

“(3) the name of any person nominated to the Senate to fill the vacancy and the date such nomination is submitted immediately upon the submission of the nomination; and

“(4) the date of a rejection, withdrawal, or return of any nomination immediately upon such rejection, withdrawal, or return.

“(b) If the Comptroller General of the United States makes a determination that an officer is serving longer than the 210-day period including the applicable exceptions to such period under section 3346 or section 3349a, the Comptroller General shall report such determination immediately to—

“(1) the Committee on Governmental Affairs of the Senate;

“(2) the Committee on Government Reform and Oversight of the House of Representatives;

“(3) the Committees on Appropriations of the Senate and House of Representatives;

“(4) the appropriate committees of jurisdiction of the Senate and House of Representatives;

“(5) the President; and

“(6) the Office of Personnel Management.

**“§ 3349a. Presidential inaugural transitions**

“(a) In this section, the term ‘transitional inauguration day’ means the date on which any person swears or affirms the oath of office as President, if such person is not the President on the date preceding the date of swearing or affirming such oath of office.

“(b) With respect to any vacancy that exists during the 60-day period beginning on a transitional inauguration day, the 210-day period under section 3346 or 3348 shall be deemed to begin on the later of the date occurring—

“(1) 90 days after such transitional inauguration day; or

“(2) 90 days after the date on which the vacancy occurs.

**“§ 3349b. Holdover provisions**

“Sections 3345 through 3349a shall not be construed to affect any statute that authorizes a person to continue to serve in any office—

*“(1) after the expiration of the term for which such person is appointed; and*

*“(2) until a successor is appointed or a specified period of time has expired.*

**“§ 3349c. Exclusion of certain officers**

*“Sections 3345 through 3349b shall not apply to—*

*“(1) any member who is appointed by the President, by and with the advice and consent of the Senate to any board, commission, or similar entity that—*

*“(A) is composed of multiple members; and*

*“(B) governs an independent establishment or Government corporation;*

*“(2) any commissioner of the Federal Energy Regulatory Commission;*

*“(3) any member of the Surface Transportation Board; or*

*“(4) any judge appointed by the President, by and with the advice and consent of the Senate, to a court constituted under article I of the United States Constitution.*

**“§ 3349d. Notification of intent to nominate during certain recesses or adjournments**

*“(a) The submission to the Senate, during a recess or adjournment of the Senate in excess of 15 days, of a written notification by the President of the President’s intention to submit a nomination after the recess or adjournment shall be considered a nomination for purposes of sections 3345 through 3349c if such notification contains the name of the proposed nominee and the office for which the person is nominated.*

*“(b) If the President does not submit a nomination of the person named under subsection (a) within 2 days after the end of such recess or adjournment, effective after such second day the notification considered a nomination under subsection (a) shall be treated as a withdrawn nomination for purposes of sections 3345 through 3349c.”.*

*(c) TECHNICAL AND CONFORMING AMENDMENT.—*

*(1) TABLE OF SECTIONS.—The table of sections for chapter 33 of title 5, United States Code, is amended by striking the matter relating to subchapter III and inserting the following:*

*“SUBCHAPTER III—DETAILS, VACANCIES, AND APPOINTMENTS*

*“3341. Details; within Executive or military departments.*

*“[3342. Repealed.]*

*“3343. Details; to international organizations.*

*“3344. Details; administrative law judges.*

*“3345. Acting officer.*

*“3346. Time limitation.*

*“3347. Exclusivity.*

*“3348. Vacant office.*

*“3349. Reporting of vacancies.*

*“3349a. Presidential inaugural transitions.*

*“3349b. Holdover provisions relating to certain independent establishments.*

*“3349c. Exclusion of certain officers.*

*“3349d. Notification of intent to nominate during certain recesses or adjournments.”.*

(2) *SUBCHAPTER HEADING.*—The subchapter heading for subchapter III of chapter 33 of title 5, United States Code, is amended to read as follows:

**“SUBCHAPTER III—DETAILS, VACANCIES, AND  
APPOINTMENTS”**

(d) *EFFECTIVE DATE AND APPLICATION.*—

(1) *EFFECTIVE DATE.*—Subject to paragraph (2), this section and the amendments made by this section shall take effect 30 days after the date of enactment of this section.

(2) *APPLICATION.*—

(A) *IN GENERAL.*—This section shall apply to any office that becomes vacant after the effective date of this section.

(B) *IMMEDIATE APPLICATION OF TIME LIMITATION.*—Notwithstanding subparagraph (A), for any office vacant on the effective date of this section, the time limitations under section 3346 of title 5, United States Code (as amended by this section) shall apply to such office. Such time limitations shall apply as though such office first became vacant on the effective date of this section.

(C) *CERTAIN NOMINATIONS.*—If the President submits to the Senate the nomination of any person after the effective date of this section for an office for which such person had been nominated before such date, the next nomination of such person after such date shall be considered a first nomination of such person to that office for purposes of sections 3345 through 3349 and section 3349d of title 5, United States Code (as amended by this section).

## **TITLE II—FISHERIES**

### **Subtitle I—Fishery Endorsements**

**SEC. 201. SHORT TITLE.**

This title may be cited as the “American Fisheries Act”.

**SEC. 202. STANDARD FOR FISHERY ENDORSEMENTS.**

(a) *STANDARD.*—Section 12102(c) of title 46, United States Code, is amended to read as follows—

“(c)(1) A vessel owned by a corporation, partnership, association, trust, joint venture, limited liability company, limited liability partnership, or any other entity is not eligible for a fishery endorsement under section 12108 of this title unless at least 75 per centum of the interest in such entity, at each tier of ownership of such entity and in the aggregate, is owned and controlled by citizens of the United States.

“(2) The Secretary shall apply section 2(c) of the Shipping Act, 1916 (46 App. U.S.C. 802(c)) in determining under this subsection whether at least 75 per centum of the interest in a corporation, partnership, association, trust, joint venture, limited liability company, limited liability partnership, or any other entity is owned and controlled by citizens of the United States. For the purposes of this subsection and of applying the restrictions on controlling interest in section 2(c) of such Act, the terms ‘control’ or ‘controlled’—

## JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4328) making appropriations for the Department of Transportation and Related Agencies Appropriations Act, 1999, for the fiscal year ending September 30, 1999, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effects of the action agreed upon by the managers and recommended in the accompanying report.

The composition of this conference agreement includes more than the Department of Transportation and Related Agencies Appropriations Act for fiscal year 1999. While the House version of H.R. 4328 and the Senate amendment in the nature of a substitute dealt only with transportation appropriations, the conference report was expanded to include other matters, most significantly, other fiscal year 1999 appropriations for other departments and agencies. These appropriations are included in division A of this conference agreement and are organized in groupings as they would have been had they been enacted in their regular appropriations act.

Since this conference agreement is expanded to include matters beyond those relating to the Department of Transportation and Related Agencies Appropriations Act, the title of the bill is amended to reflect this expansion.

### SECTION 101(a): AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

The conferees on H.R. 4101 agree with the matter inserted in this subsection of this conference agreement and the following description of this matter. This matter was developed through negotiations on the differences in the House and Senate versions of H.R. 4101, the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1999, by members of the appropriations subcommittee of both the House and Senate with jurisdiction over H.R. 4101.

### CONGRESSIONAL DIRECTIVES

The statement of the managers remains silent on provisions that were in both the House and Senate bills that remain unchanged by this conference agreement, except as noted in this statement of the managers.

The conferees agree that executive branch wishes cannot substitute for Congress' own statements as to the best evidence of congressional intentions—that is, the official reports of the Congress.

et structure. The new budget structure proposal should clearly display in some manner all indirect expenditures and administrative needs. The Committees caution the Forest Service that changes in budget structure must be fully coordinated with Congress prior to submission of the fiscal year 2000 budget justification as required in House Report 105-163 accompanying Public Law 105-83. The Committees emphasize that consideration of significant budget structure changes will be fully contingent on significant progress by the agency in improving financial and program accountability and accomplishment. It is further noted that budget structure changes must be fully compatible with the Government Performance and Results Act, and accurately reflect all multiple use activities of the agency.

The conference agreement concurs with Senate language concerning management of indirect costs and reporting indirect expenditures. The Committees have changed the language to clarify the Senate's intent and to address management of indirect expenses for several permanent and trust funds. The revised bill language clarifies that proposed definitions for indirect expenses are to be consistent with the Federal Accounting Standards Advisory Board and are to be submitted to the Committees no later than 90 days after the date of enactment of this Act. The conference agreement eliminates language regarding quantification of indirect expenses to the ranger district level. The Committees expect the agency to display all indirect costs in the fiscal year 2000 budget justification to the regional level. However the display of regional costs should be computed based on costs at the ranger district level. The revised language specifies that indirect expenses for the Brush Disposal, Cooperative Work-Other, Knutson-Vandenberg, Reforestation, Salvage Sale, and Roads and Trails funds shall not exceed 20 percent beginning in fiscal year 2000. The Committees further expect that progress will be made to reduce indirect expenses toward this goal during fiscal year 1999.

The Committees are concerned about the improper expenditure of Forest Service funds where projects are jointly funded by more than one appropriation. The Committees support integrated land management but expect the agency to maintain fidelity to appropriations intent for each funding activity when executing multi-funded projects.

#### DEPARTMENT OF ENERGY

##### CLEAN COAL TECHNOLOGY

The conference agreement provides for the deferral of \$40,000,000 in previously appropriated funds for the clean coal technology program as proposed by the Senate. The House did not propose to defer funding. The Committees agree that \$14,900,000 may be used for administration of the clean coal technology program.

##### FOSSIL ENERGY RESEARCH AND DEVELOPMENT

The conference agreement provides \$384,056,000 for fossil energy research and development instead of \$315,558,000 as proposed by the House and \$376,431,000 as proposed by the Senate.

Changes to the House recommended level for coal research include increases of \$750,000 in coal preparation for removal of mercury; \$350,000 for direct liquefaction; \$500,000 for indirect fired cycle; \$2,000,000 for Vision 21 in high efficiency integrated gasified combined cycle; \$2,750,000 for PM 2.5 monitoring and research in fine particulate control/air toxics and \$4,000,000 for CO<sub>2</sub> sequestration research both in advanced research and environmental technology; and \$100,000 in advanced research and technology development for international program support; and decreases of \$112,000 in high efficiency integrated gasified combined cycle for technical and program support, \$1,000,000 in coal utilization for Vision 21 and \$40,000 in advanced research and technology development for undergraduate internships.

Changes to the House for natural gas and fuel cell research include increases of \$44,500,000 for advanced turbine systems (the House had proposed to transfer this program to the energy conservation account); \$1,500,000 for gas to liquids, \$500,000 for coal mine methane and \$250,000 for Alaska coal bed methane all in emerging process technology; and \$5,000,000 for fuel cell systems development; and a decrease of \$100,000 in effective environmental protection for outreach and technology transfer.

Changes to the House in oil technology research include increases of \$250,000 in reservoir characterization for the northern mid-continent digital atlas and \$300,000 in effective environmental protection for State, tribal and Federal regulations.

Changes to the House in other program areas include an increase in cooperative research and development of \$1,000,000, an increase of \$1,000,000 for energy technology center program direction and an increase of \$5,000,000 which negates the general reduction to the fossil energy program as a whole.

The Committees agree to the following:

1. The funding provided for PM 2.5 monitoring and research is for data monitoring and development of cost effective control technologies or source production science. The Department is urged to cooperate with the Southern Research Institute to the extent that monitoring stations are established in the southeast.

2. It is critical to the continuation of the low emissions boiler program that the State of Illinois provide its full cost share of \$25 million. The Department should report to the Committees by January 31, 1999 on the status of the low emissions boiler program including whether or not the full cost share has been received from the State of Illinois, the extent to which the project is feasible from the standpoint of bids received from contractors for project construction and the extent to which power purchase agreements have been arranged.

3. The increase provided for the gas to liquids program is to continue a cost-shared, public-private university research program involving the Massachusetts Institute of Technology, the University of Illinois, the University of Houston and the University of Alaska.

4. As requested in the budget request, \$500,000 is provided for the coal mine methane program, but the Committees remain concerned about the potential out-year costs and long-term expectations for this program. The Committees strongly encourage the Department of Energy to (1) down-select the number of coal mine



methane projects from 5 down to 2, (2) establish a reasonable and supportable total cap on Federal funding for the program and (3) require a minimum of 50% cost-share for any future program phases.

5. Funding for an Alaska coal bed methane program is provided on a one-time basis and should be used to work with the Alaska Division of Geological and Geophysical Surveys to determine whether coal bed methane is a viable fuel source in rural Alaska. Should coal bed methane be determined to be commercially viable, the State should seek alternative sources of funding to develop the project further.

6. There is no earmark in the natural gas exploration and production program to promote research on computational tools that incorporate rock properties.

7. There is no mandate to down-select from three to two contracts in the existing fuel cell program but the Department should consider that option.

8. No study is required on the feasibility of an integrated management system for oil and gas production that incorporates state-of-the-art modeling, sensing and computational technologies.

9. There are sufficient unobligated balances from previous fiscal years to continue the gypsy field project in fiscal year 1999. The fiscal year 2000 budget should include a request for any additional funds needed to continue this project in that fiscal year.

10. Cooperative research and development funding should be distributed as in past years with a percentage of funds used for the base research program and the balance used for jointly sponsored research.

11. Funding has been provided to support programs that improve energy efficiency and reduce emissions. These programs are justified by goals and objectives independent of implementation of the Kyoto protocol. No funds are to be used to implement actions called for solely under the Kyoto protocol prior to its ratification.

12. The \$750,000 provided in coal preparation for pre-combustion removal of mercury using dry magnetic separation is to fund phase II of an existing technology development program. These funds will be used to scale up and test technologies that reduce ash, sulfur and trace-element emissions while lowering the bus-bar cost of electricity generated from bituminous coal from the Northern Appalachian region. The technology will be tested at a power plant in Clearfield County, Pennsylvania using a dry magnetic separator retrofitted to an existing dry pulverizer.

#### ALTERNATIVE FUELS PRODUCTION

#### (INCLUDING TRANSFER OF FUNDS)

The conference agreement provides for the deposit of investment income earned as of October 1, 1998 on principal amounts in a trust fund established as part of the sale of the Great Plains Gasification Plant in Beulah, ND, and immediate transfer of the funds to the General Fund of the Treasury. The amount available as of October 1, 1998 is estimated to be \$1,300,000.

## NAVAL PETROLEUM AND OIL SHALE RESERVES

The conference agreement provides \$14,000,000 for the Naval petroleum and oil shale reserves as proposed by the House instead of \$14,056,000 as proposed by the Senate. Funds should be distributed as follows:

|   |             |
|---|-------------|
| Naval Petroleum Reserves Nos. 1 and 2 ..... | \$3,594,000 |
| Naval Petroleum Reserve No. 3 .....         | 10,180,000  |
| Naval Oil Shale Reserves .....              | 0           |
| Program Direction .....                     | 6,876,000   |
| Use of Prior Year Funds .....               | -6,650,000  |
| Total .....                                 | 14,000,000  |

## ELK HILLS SCHOOL LANDS FUND

The conference agreement provides \$36,000,000 for the Elk Hills school lands fund for payment to the State of California for the State Teachers' Retirement Fund. Neither the House nor the Senate included funding for this purpose under the assumption that this claim would be paid directly from revenue from the sale of the Elk Hills Naval Petroleum Reserve. Because that option did not materialize, funds are provided in this Act. The Committees encourage the Department to work with the legislative committees of jurisdiction to continue to pursue a legislative remedy so that the balance of these payments may be made directly from the sale proceeds.

## ENERGY CONSERVATION

The conference agreement includes \$691,701,000 for energy conservation instead of \$632,250,000 (excluding \$43,000,000 for the Fossil Energy turbine program) as proposed by the House and \$646,701,000 (after factoring in the statutory offset of \$31,000,000 in unobligated balances) as proposed by the Senate.

Changes to the House recommended level for buildings technology include increases of \$1,200,000 for building America, \$1,535,000 for home energy rating systems, \$400,000 for rebuild America, \$2,500,000 for technology roadmaps, \$900,000 for heat pumps, \$250,000 for desiccants and chillers, \$250,000 for fuel cells for buildings, \$500,000 for demonstrations of modular fuel cells at DOE facilities, \$500,000 for emerging technology demonstrations, \$500,000 for consumer education, \$4,000,000 for building envelope research, \$600,000 for building energy codes, \$3,600,000 for lighting and appliance standards, \$6,400,000 due to elimination of the requirement to use prior year funds, and \$250,000 in management and planning for analytical studies and planning, and decreases of \$100,000 for residential energy efficiency and \$9,000 in management and planning for technology and sector data. There is also an increase of \$4,000,000 for weatherization and \$1,000,000 for State grants.

Changes to the House for the Federal energy management program include an increase of \$1,000,000 for project financing and decreases of \$250,000 for technical and financial assistance and \$100,000 for program direction.

Changes to the House for industry sector programs include increases of \$2,000,000 each for the mining vision (aluminum indus-

tries of the future program) and for the agriculture/biobased fuels vision (chemicals industries of the future program), \$500,000 for the combined heat and power initiative, \$2,600,000 for motor challenge, \$1,000,000 to correct an error in the House report dealing with the climate-wise program, \$200,000 for program direction, \$19,000,000 to accelerate the advanced turbine program and \$8,300,000 due to elimination of the requirement to use prior year funds, and a decrease of \$43,000,000 which negates the House proposed transfer of the turbine program from the fossil energy account.

Changes to the House for transportation sector programs include increases of \$1,000,000 for C-1 chemistry, \$1,300,000 for fuels for advanced engines, \$2,000,000 for advanced power electronics, \$4,500,000 for fuel cell research and development, \$1,000,000 for advanced combustion research, \$1,500,000 for cooperative automotive research for advanced technologies, \$3,000,000 for high efficiency engine research, \$500,000 for heavy vehicle systems technologies, \$4,000,000 for lightweight materials, \$1,200,000 for high strength weight reduction materials, \$200,000 for the clean cities voluntary deployment program, \$500,000 for vehicle field testing/evaluation, \$75,000 for program direction and \$10,100,000 due to elimination of the requirement to use prior year funds and a decrease of \$2,000,000 in hybrid propulsion systems.

Other changes to the House include an increase of \$250,000 for headquarters contract services and decreases of \$200,000 for headquarters salaries and related expenses and \$34,000,000 in undistributed increases.

The Committees agree to the following:

1. This is the final year of funding for home energy rating systems.

2. With regard to energy measurement techniques, nothing in the House or Senate reports should be construed as an attempt to circumvent or contradict the National Appliance Efficiency Conservation Act or any other relevant statute.

3. With regard to the Federal energy management program, the Secretary may, in establishing charges for services rendered to other Federal agencies, recover such program costs as the Secretary deems appropriate including, but not limited to, start-up costs (including those incurred in fiscal year 1998), Department of Energy program operating expenses and contractor costs. The Secretary should make every effort to recover, over the life of the program, all costs associated with start-up, execution and support to other Federal agencies. To reduce the administrative burden on the program, the Secretary may establish an annual fixed pricing structure.

4. There are no specific earmarks for any entity within the industries of the future (specific) program. The Department should use the expertise at the National laboratories, the Federal Energy Technology Center and the Intermountain Center for Mining Research and Technology to the extent that such organizations are able to provide quality work, which is consistent with program and industry priorities.

5. The Department should work with Alfred University to explore how that institution's expertise in glass and ceramics engi-

neering and other technologies relevant to the Department's programs might be used to benefit those programs.

6. Natural gas vehicle research should be funded following the priorities established in the five-year Comprehensive Plan for Natural Gas Vehicle Research. The budget for fiscal year 1999 is \$10,000,000 of which \$2,000,000 in alternative fuels/systems optimization is for engine, fuel storage system and fueling infrastructure and \$8,000,000 in heavy vehicles research is for engine vehicle system, safety/systems integration and fueling infrastructure. This research must be related to vehicles powered directly by compressed or liquefied natural gas and should be allocated based on priorities developed in close coordination with industry.

7. Funding has been provided to support programs that improve energy efficiency and reduce emissions. These programs are justified by goals and objectives independent of implementation of the Kyoto protocol. No funds are to be used to implement actions called for solely under the Kyoto protocol prior to its ratification.

#### ECONOMIC REGULATION

The conference agreement provides \$1,801,000 for economic regulation as proposed by both the House and the Senate. These funds are for the Office of Hearings and Appeals.

#### STRATEGIC PETROLEUM RESERVE

The conference agreement provides \$160,120,000 for the strategic petroleum reserve as proposed by the House instead of \$155,120,000 as proposed by the Senate.

#### ENERGY INFORMATION ADMINISTRATION

The conference agreement provides \$70,500,000 as proposed in the budget request for the energy information administration instead of \$68,000,000 as proposed by both the House and the Senate.

#### DEPARTMENT OF HEALTH AND HUMAN SERVICES

##### INDIAN HEALTH SERVICE

##### INDIAN HEALTH SERVICES

The conference agreement provides \$1,950,322,000 for Indian health services instead of \$1,932,953,000 as proposed by the House and \$1,888,602,000 as proposed by the Senate. Changes to the House recommended level include increases in hospitals and health clinics of \$4,000,000 for an Alaska Federal health care partnership for telemedicine and \$19,000,000 which the House had proposed to transfer to the facilities account for facilities management and an increase of \$9,000,000 for contract support costs. These increases are partially offset by decreases for fixed costs of \$6,844,000 in hospitals and health clinics, \$980,000 in dental health, \$297,000 in mental health, \$641,000 in alcohol and substance abuse, \$2,722,000 in contract care, \$215,000 in public health nursing, \$50,000 in health education, \$307,000 in community health representatives, \$9,000 in Alaska immunization, \$187,000 in urban health, \$214,000 in Indian health professions, \$9,000 in tribal manage-

burns, but direction concerning this matter is found in the Forest Service wildland fire management account.

Section 333 retains language proposed in section 333 of the House bill regarding the Arts and Artifacts Indemnity Act to increase the limits for insuring international exhibitions. The Senate had no similar provision.

Section 334 retains the text of section 334 of the House bill regarding a land transfer to the City of Tulare, California from the Bureau of Land Management. The Senate had no similar provision.

Section 335 retains the text of section 337 as proposed by the House to remove certain properties in Florida from the Coastal Barrier Resources System. Specifically, 75 acres are removed from the system, 32 acres in a State park are added to the system and seven private acres are added to the system. Other removals from the system are addressed under the United States Fish and Wildlife Service and under General Provisions—Department of the Interior.

Section 336 retains the text of section 338 as proposed by the House to extend the pilot program in the Indian Health Service dealing with billings for medicaid and medicare. The Senate had no similar provision.

Section 337 retains the text of section 337 as proposed by the House to amend the Petroleum Overcharge Distribution and Restitution Act of 1986 to permit the use of excess receipts to offset energy conservation programs. The Senate agreed to this language in floor action.

Section 338 includes the text of section 340 as proposed by the House, which amends the fiscal year 1998 Interior and Related Agencies Appropriations Act with regard to the National Indian Gaming Commission by deleting the phrase “self-regulated tribes such as”.

Section 339 delays until September 30, 1999, the expenditure of funds to implement and enforce certain Federal regulations dealing with preference for subsistence uses, including those dealing with fish and wildlife, on navigable rivers in Alaska that are subject to Federal reserved water rights. The issuance of such regulations is not delayed. If the Alaska legislature passes a resolution which, if approved by Alaskan voters, would enable the implementation of State statutes that are consistent with, and provide for the preference generally outlined in, sections 803, 804 and 805 of the Alaska National Interest Lands Conservation Act, funds appropriated to the Department of the Interior and the Department of Agriculture for Federal subsistence management in this Act shall be granted to the State on September 30, 1999. If, by June 1, 1999, the Secretary of the Interior finds that the State Legislature has not yet passed such a measure, a portion of the funds will be available to prepare for implementation and enforcement of such Federal regulations.

Section 340 retains the text of section 342 as proposed by the House to prohibit the use of funds for establishing a Kankakee National Wildlife Refuge in Indiana and Illinois. The Senate had no similar provision.

Section 341 modifies section 326 as proposed by the Senate regarding the conveyance of portions of the Wind River Nursery that

has been modified to delete references to the residual value appraisal system and clarify the payment rates under which western red cedar will be made available to domestic processors in the contiguous 48 United States.

Section 351 modifies section 341 as proposed by the Senate precluding additional contracts or compacts to new Alaska Native regional health entities. The modification involves a three year moratorium on new contracts rather than a permanent limitation.

Section 352 modifies language proposed by the Senate limiting the introduction of Grizzly bears in the Selway-Bitterroot area of Idaho and Montana. The modification allows the United States Fish and Wildlife Service to release the final environmental impact statement and record of decision for this program but does not permit any introduction of bears in fiscal year 1999.

Section 353 provides \$20,000,000 to the Aleutians East Borough for the construction of an unpaved road and related facilities on corporation lands not in a designated wilderness area, \$15,000,000 to the State of Alaska for improvements to the airstrip at King Cove, Alaska and \$2,500,000 to the Indian Health Service for the cost of new construction or improvements to the existing clinic in King Cove, Alaska and telemedicine and other medical equipment. The Committees have agreed to these funds as an alternative to an easement for a road through the Izembek National Wildlife Refuge wilderness area as proposed in section 126 of the Senate bill to address critical health and safety needs.

The conference agreement deletes the provision in section 343 of the Senate bill dealing with dams on the Columbia and Snake Rivers.

Section 354 makes boundary adjustments to the Columbia River Gorge National Recreation Area in Washington State.

Section 355 provides authority for the Smithsonian Institution to alter the size of some of its boards and commissions.

Section 356 approves the transfer of the Indian Arts and Crafts Board collection at the U.S. Department of the Interior to the Smithsonian Institution's National Museum of the American Indian.

Section 357 includes conditions under which the Baca property in New Mexico may be purchased including specific authorization and independent appraisal which conforms with the Uniform Appraisal Standards for Federal land acquisitions.

Section 358 designates the Federal building located at 15013 Denver West Parkway, Golden, Colorado, and known as the National Renewable Energy Laboratory Visitors Center as the "Dan Schaefer Federal Building."

Section 359 designates the new Federal building under construction at 325 Broadway in Boulder, Colorado as the "David Skaggs Federal Building".

Section 360 designates the Federal building located at 201 14th Street, S.W. in Washington, D.C. as the "Sidney R. Yates Federal Building". The House bill included a similar provision in section 326.

Section 361 rescinds the Title V funds totaling \$190,865,000 if the Administration does not issue the agency apportionments and

|   |                |
|---|----------------|
| House bill, fiscal year 1999 .....                            | 26,614,669,000 |
| Senate bill, fiscal year 1999 .....                           | 29,923,612,000 |
| Conference agreement, fiscal year 1999 .....                  | 26,772,527,000 |
| Conference agreement compared with:                           |                |
| New budget (obligational) authority, fiscal year 1998 .....   | +1,446,759,500 |
| Budget estimates of new (obligational) authority, fiscal year |                |
| 1999 .....  | -66,962,000    |
| House bill, fiscal year 1999 .....                            | +157,858,000   |
| Senate bill, fiscal year 1999 .....                           | -3,151,085,000 |

### ADDITIONAL PROVISIONS (DIVISION A)

#### SECTIONS 102-134

The conference agreement includes \$50,000,000 in final year funding for the nonpower programs of the Tennessee Valley Authority. Within this amount, \$7,000,000 is provided for Land Between the Lakes.

The conference agreement includes language permitting the Tennessee Valley Authority (TVA) to repurchase bonds issued by the Federal Financing Bank (FFB) without prepayment penalty. This provision will permit TVA to prepay its loans at less than their full contractual value, resulting in a savings to TVA of approximately \$810,000,000 over ten years. The FFB, however, retains its contractual obligation to repay its corresponding loan from the Treasury at the full market value of the TVA loan. This will require additional appropriations to the FFB.

The conference agreement repeals section 312 of the Energy and Water Development Appropriations Act, 1999. Section 312 delayed until September 30, 1999, the obligation of \$57,000,000 in the Atomic Energy Defense Activities, Weapons Activities appropriation account.

The conference agreement provides \$35,000,000 for the Columbia River Fish Mitigation, Washington, Oregon and Idaho, project of the U.S. Army Corps of Engineers.

The conference agreement provides: \$1,500,000 of previously appropriated funds to initiate construction of the Delaware River Mainstem and Channel Deepening, Delaware, New Jersey, and Pennsylvania, project; \$400,000 of previously appropriated funds to initiate a comprehensive aquatic ecosystem restoration study in the Upper Susquehanna-Lackawanna Watershed; and \$340,000 of previously appropriated funds to initiate construction of the Pierre, South Dakota, flood mitigation project, subject to authorization. The agreement also includes \$1,500,000 of previously appropriated funds for water-related environmental infrastructure and resource protection and development projects in Allegheny County, Pennsylvania. Of this amount, \$500,000 is for water resource projects in Scott Township, \$500,000 is for projects in Shaler Township, and \$500,000 is for projects in the municipality of Penn Hills.

The conference agreement includes authorization and \$750,000 for repair of the Archusa Water Park Dam, Quitman, Mississippi.

The conference agreement includes \$60,000,000 for solar and renewable programs in the energy supply account in addition to the amount provided for fiscal year 1999 in the Energy and Water Development Appropriations Act, 1999 (P.L. 105-245). Of this amount, \$42,000,000 has been provided to reduce the \$50,000,000 general reduction in the energy supply account that otherwise

would have been applied to solar and renewable programs. The remaining \$18,000,000 has been provided for high-priority solar and renewable research and development activities. The Department is directed to submit a proposal for approval by the Committees on Appropriations within thirty days of enactment of this bill which includes the Department's plan to direct this additional amount to high-priority programs. The entire \$60,000,000 is to remain available through September 30, 2000.

The conference agreement includes \$15,000,000 for the Department of Energy to participate in the Next Generation Internet program. The Department is directed to award funds under this program using full and open competitive procedures.

The conference agreement includes language prohibiting the use of funds appropriated for fiscal year 1999 to study, or implement any plan for, the drainage of Lake Powell or the decommissioning of Glen Canyon Dam.

The conference agreement provides \$100,000,000 for construction of and improvements to surface transportation projects located in the Commonwealth of Massachusetts.

The conference agreement provides \$100,000,000 for construction of and improvements to Corridor X of the Appalachian development highway system within the State of Alabama.

The conference agreement provides \$32,000,000 for construction of and improvements to the Appalachian development highway system in West Virginia.

The conference agreement provides \$100,000,000 for construction of and improvements to highway projects designated by section 1105(c)(18)(C)(ii) of the Intermodal Surface Transportation Efficiency Act of 1991, as amended by section 1211(i) of the Transportation Equity Act for the 21st Century.

The conference agreement includes an appropriation of \$28,000,000, to remain available until expended, to enable the Secretary of Transportation to make grants to the state-owned Alaska Railroad. These funds are to be utilized for planning, design, administration and construction costs associated with the Anchorage International Airport-rail passenger station.

The conference agreement rescinds \$392,000,000 in excess contract authority from the Federal Transit Administration's discretionary grants program. A similar rescission was proposed by the Senate as part of the fiscal year 1999 Department of Transportation and Related Agencies Appropriations Act.

The conference agreement includes a provision that provides within funding provided in the Department of Transportation and Related Agencies Appropriations Act, 1999, for discretionary grants under the obligation limitation for Federal Aviation Administration, "Grants-in-Aid for Airports" in fiscal year 1999, not less than \$11,250,000 shall be made available for capital improvement projects at the Wilkes-Barre/Scranton International Airport. These projects are in the FAA-approved airport layout plan, and include construction of a new terminal building, relocation of the FAA air traffic control tower, and relocation of the airport rescue and fire-fighting facility. The conference agreement includes an understanding that the airport authority is supportive of renaming this airport after Congressman Joseph M. McDade, who has served that area



The funds are for the sole purpose of enhancing our ability to confidently and expeditiously develop and deliver ballistic missile defense capability, and shall be available only for allocation by the Secretary of Defense. The Secretary shall use these funds only to accelerate development and enhance testing of theater and national ballistic missile defense programs, and shall also give consideration to allocating these funds to program and infrastructure activities which accelerate this nation's efforts to field theater and national ballistic missile defense capability. The Secretary of Defense shall provide written notification to the congressional defense committees 30 days before allocating any of the available funds to a specific ballistic missile defense program.

The conference agreement includes section 103, which provides \$259,853,000 in emergency supplemental appropriations only for emergency expenses incurred at U.S. military facilities or installations as a result of storm damage or other natural disasters.

The conference agreement includes section 104, which provides \$2,000,000 in supplemental appropriations only for the construction of additional "Fisher Houses", which are used by military families for temporary lodging when confronted with the illness or hospitalization of service members or their dependents.

The conference agreement includes section 105, which amends section 8136 of the Department of Defense Appropriations Act, 1999.

## CHAPTER 2

### DEPARTMENT OF ENERGY

#### ATOMIC ENERGY DEFENSE ACTIVITIES

##### OTHER DEFENSE ACTIVITIES

The conference agreement includes \$200,000,000 for expenditures in the Russian Federation to implement a United States/Russian accord for the disposition of excess weapons plutonium. None of these funds may be obligated until the Department of Energy submits a detailed budget justification to Congress, and the House and Senate Committees on Appropriations have approved the proposal.

The conference agreement includes \$325,000,000 for the purchase of natural uranium associated with the 1997 and 1998 deliveries under the United States-Russian Highly Enriched Uranium (HEU) Purchase Agreement.

## CHAPTER 3

### DEPARTMENT OF DEFENSE—MILITARY CONSTRUCTION

The conference agreement provides a total of \$209,492,000, of which \$118,000,000 is designated as an emergency, as requested, for damage related to monsoons in the Republic of Korea, and \$91,492,000 is provided as a contingency for storm related damage. Authorization for these projects, including planning and design, is provided in 10 U.S.C. 2854 and 10 U.S.C. 2803.

security equipment which has been procured thus far. The FAA, airlines, and airport officials all acknowledge that integrating these systems into airline and airport operating systems has been a greater than anticipated challenge. Furthermore, since the certification of second generation bulk EDS systems has been delayed, the conference agreement reallocates some funding to other items which will have a stronger impact on security in the near-term. It is hoped that one or more second generation systems will meet the certification standards over the coming year, and that viable competition in this program can be developed.

## CHAPTER 7

### DEPARTMENT OF THE TREASURY

#### FEDERAL LAW ENFORCEMENT TRAINING CENTER

##### SALARIES AND EXPENSES

The conferees agree to provide \$3,548,000, instead of \$4,043,000, as requested by the President. This reflects the actual costs of additional instructors at the Center, as well as training, meals, lodging, and related operational costs associated with basic training for Secret Service and State Department students being hired to respond to threats of domestic and foreign terrorism.

#### UNITED STATES SECRET SERVICE

##### SALARIES AND EXPENSES

The conferees agree to provide \$80,808,000, instead of \$86,317,000, as requested by the President. The difference between the requested and funded levels is equal to the amount that the President made available for obligation from the Treasury Counter-Terrorism Fund subsequent to the original request. This funding is to cover costs of additional personnel required to increase the number of protective details for Secret Service protectees, enhanced protective capabilities, and protective operations, equipment and services. The conferees remind the Director of the United States Secret Service that funding for vehicle acquisition will not be available for obligation until the Secretary of the Treasury determines that such acquisitions are consistent with Departmental vehicle management policy.

## TITLE III

### YEAR 2000 CONVERSION OF FEDERAL INFORMATION TECHNOLOGY SYSTEMS

#### FUNDS APPROPRIATED TO THE PRESIDENT

The conferees have provided \$2,250,000,000 for emergency expenses related to Year 2000 conversion of Federal information technology systems for all federal Departments and agencies except the Department of Defense. Of these funds, the conferees agree to provide \$16,873,000 for Legislative Branch Year 2000 conversion efforts and \$13,044,000 for the conversion of Judicial Branch infor-

mation technology and security systems. Additional funds for the Department of Defense are provided elsewhere in this Title.

The conference agreement transfers \$16,873,000 to the Legislative branch of the funds appropriated to the President for expenses related to Year 2000 conversion of Federal information technology systems. Of this amount, \$5,500,000 is provided to the Senate Sergeant at Arms for Senate computer systems. As requested by the Senate, the Senate Sergeant at Arms is directed to secure approval from the Senate Committees on Appropriations and Rules and Administration. For the House of Representatives, \$6,373,000 is provided to the Chief Administrative Officer of the House for activities necessary to complete the year 2000 conversion of systems maintained for the House. The CAO is directed to obtain approval of the plan for carrying out these activities from the Committee on House Oversight. In addition, \$5,000,000 is transferred to the General Accounting Office to be available to emergency Year 2000 conversion efforts in other agencies of the Legislative branch. Before making any request for an allocation of these funds, the legislative agency should inform the appropriate oversight committees.

#### DEPARTMENT OF DEFENSE—MILITARY

##### INFORMATION TECHNOLOGY SYSTEMS AND SECURITY

The conference agreement includes \$1,100,000,000 in emergency supplemental appropriations for the Department of Defense, for expenses relating to year 2000 conversion of information technology and national security systems, for information technology and infrastructure protection to include computer security/information assurance programs, and for related expenses.

#### TITLE IV—OTHER EMERGENCIES

##### CHAPTER 1

##### DEPARTMENT OF COMMERCE

##### NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

##### OPERATIONS, RESEARCH, AND FACILITIES

The conference agreement includes \$5,000,000 for disaster assistance for persons or entities in the Northeast multispecies fishery who have incurred losses from a commercial fishing failure under section 308(b) of the Interjurisdictional Fisheries Act of 1986. Language is included making the entire amount contingent upon the President submitting a budget request designating the entire amount as an emergency requirement.

##### RELATED AGENCY

##### SMALL BUSINESS ADMINISTRATION

##### DISASTER LOANS PROGRAM ACCOUNT

In addition to amounts provided elsewhere in this Act, the conference agreement provides an additional \$71,000,000 in emergency fiscal year 1999 subsidy appropriations for disaster loans for recov-

TOM DELAY,  
RALPH REGULA,  
HAROLD ROGERS,  
RON PACKARD,  
S. CALLAHAN,  
TODD TIAHRT,  
ROBERT ADERHOLT,  
BOB LIVINGSTON,  
MARTIN OLAV SABO,  
ESTEBAN E. TORRES,  
JOHN W. OLVER,  
ED PASTOR,  
BUD CRAMER,  
DAVE OBEY,

*Managers on the Part of the House.*

RICHARD SHELBY,  
PETE V. DOMENICI,  
ROBERT F. BENNETT,  
TED STEVENS,  
FRANK R. LAUTENBERG,  
ROBERT C. BYRD

(with the exception of cer-  
tain leadership legislative  
riders),

HARRY REID,  
PATTY MURRAY,  
DANIEL K. INOUE,

*Managers on the Part of the Senate.*

